

Senate File 2242

S-5311

Amend Senate File 2242 as follows:

1. By striking everything after the enacting clause and inserting:

<DIVISION I

IOWA COMPREHENSIVE PETROLEUM

UNDERGROUND STORAGE TANK FUND

Section 1. Section 455B.474, subsection 1, paragraph d, subparagraph (2), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A site shall be classified as either high risk, low risk, or no action required, as determined by a certified groundwater professional.

Sec. 2. Section 455B.474, subsection 1, paragraph d, subparagraph (2), subparagraph division (a), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A site shall be considered high risk when ~~it is determined~~ a certified groundwater professional determines that contamination from the site presents an unreasonable risk to public health and safety or the environment under any of the following conditions:

Sec. 3. Section 455B.474, subsection 1, paragraph d, subparagraph (2), subparagraph division (b), unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

A site shall be considered low risk ~~under any of the following conditions~~ when a certified groundwater professional determines that low risk conditions exist as follows:

Sec. 4. Section 455B.474, subsection 1, paragraph d, subparagraph (2), subparagraph divisions (c) and (e), Code Supplement 2009, are amended to read as follows:

(c) A site shall be considered no action required ~~if and a no further action certificate shall be issued by the department when a certified groundwater professional determines that contamination is below action level standards and high or low risk conditions do not exist and are not likely to occur.~~

(e) A site cleanup report which classifies a site as either high risk, low risk, or no action required shall be submitted by a groundwater professional to the department with a certification that the report complies with the provisions of this chapter and rules adopted by the department. The report shall be determinative of the appropriate classification of the site. ~~However, if the report is found to be and the site shall be classified as indicated by the groundwater professional unless, within ninety days of receipt by the department,~~

1 the department identifies material information in  
2 the report that is inaccurate or incomplete, and  
3 if based upon inaccurate or incomplete information  
4 in the report the risk classification of the site  
5 cannot be reasonably determined by the department  
6 based upon industry standards, the department shall.  
7 If the department determines that the site cleanup  
8 report is inaccurate or incomplete, the department  
9 shall notify the groundwater professional of the  
10 inaccurate or incomplete information within ninety  
11 days of receipt of the report and shall work with  
12 the groundwater professional to obtain the correct  
13 information or additional information necessary  
14 to appropriately classify the site. However, from  
15 July 1, 2010, through June 30, 2011, the department  
16 shall have one hundred twenty days to notify the  
17 certified groundwater professional when a report is  
18 not accepted based on material information that is  
19 found to be inaccurate or incomplete. A groundwater  
20 professional who knowingly or intentionally makes a  
21 false statement or misrepresentation which results in  
22 a mistaken classification of a site shall be guilty of  
23 a serious misdemeanor and shall have the groundwater  
24 professional's certification revoked under this  
25 section.

26 Sec. 5. Section 455B.474, subsection 1, paragraph  
27 f, subparagraphs (5), (6), and (7), Code Supplement  
28 2009, are amended to read as follows:

29 (5) A corrective action design report submitted by  
30 a groundwater professional shall be accepted by the  
31 department and shall be primarily relied upon by the  
32 department to determine the corrective action response  
33 requirements of the site. However, if the corrective  
34 action design report is found to be within ninety days  
35 of receipt of a corrective action design report, the  
36 department identifies material information in the  
37 corrective action design report that is inaccurate or  
38 incomplete, and if based upon information in the report  
39 the appropriate corrective action response cannot be  
40 reasonably determined by the department based upon  
41 industry standards, the department shall notify the  
42 groundwater professional that the corrective action  
43 design report is not accepted, and the department  
44 shall work with the groundwater professional to correct  
45 the material information or to obtain the additional  
46 information necessary to appropriately determine the  
47 corrective action response requirements as soon as  
48 practicable. However, from July 1, 2010, through June  
49 30, 2011, the department shall have one hundred twenty  
50 days to notify the certified groundwater professional

1 when a corrective action design report is not accepted  
2 based on material information that is found to be  
3 inaccurate or incomplete. A groundwater professional  
4 who knowingly or intentionally makes a false statement  
5 or misrepresentation which results in an improper or  
6 incorrect corrective action response shall be guilty of  
7 a serious misdemeanor and shall have the groundwater  
8 professional's certification revoked under this  
9 section.

10 (6) Low risk sites shall be monitored as deemed  
11 necessary by the department consistent with industry  
12 standards. Monitoring shall not be required on a site  
13 which has received a no further action certificate.  
14 A site that has maintained less than the applicable  
15 target level for four consecutive sampling events shall  
16 be reclassified as a no action required site regardless  
17 of exit monitoring criteria and guidance.

18 (7) An owner or operator may elect to proceed with  
19 additional corrective action on the site. However,  
20 any action taken in addition to that required pursuant  
21 to this paragraph "f" shall be solely at the expense  
22 of the owner or operator and shall not be considered  
23 corrective action for purposes of section 455G.9,  
24 unless otherwise previously agreed to by the board  
25 and the owner or operator pursuant to section 455G.9,  
26 subsection 7. Corrective action taken by an owner or  
27 operator due to the department's failure to meet the  
28 time requirements provided in subparagraph (5), shall  
29 be considered corrective action for purposes of section  
30 455G.9.

31 Sec. 6. Section 455B.474, subsection 1, paragraph  
32 h, subparagraphs (1) and (3), Code Supplement 2009, are  
33 amended to read as follows:

34 (1) A no further action certificate shall be  
35 issued by the department for a site which has been  
36 classified as a no further action site or which  
37 has been reclassified pursuant to completion of a  
38 corrective action plan or monitoring plan to be a no  
39 further action site by a groundwater professional,  
40 unless within ninety days of receipt of the report  
41 submitted by the groundwater professional classifying  
42 the site, the department notifies the groundwater  
43 professional that the report and site classification  
44 are not accepted and the department identifies  
45 material information in the report that is inaccurate  
46 or incomplete which causes the department to be  
47 unable to accept the classification of the site.  
48 An owner or operator shall not be responsible for  
49 additional assessment, monitoring, or corrective  
50 action activities at a site that is issued a no further

1 action certificate unless it is determined that the  
2 certificate was issued based upon false material  
3 statements that were knowingly or intentionally made  
4 by a groundwater professional and the false material  
5 statements resulted in the incorrect classification of  
6 the site.

7 (3) A certificate shall be recorded with the county  
8 recorder. The owner or operator of a site who has been  
9 issued a certificate under this paragraph "h" or a  
10 subsequent purchaser of the site shall not be required  
11 to perform further corrective action solely because  
12 action standards are changed at a later date. A  
13 certificate shall not prevent the department from  
14 ordering corrective action of a new release.

15 Sec. 7. Section 455B.479, Code 2009, is amended to  
16 read as follows:

17 **455B.479 Storage tank management fee.**

18 An owner or operator of an underground storage  
19 tank shall pay an annual storage tank management fee  
20 of sixty-five dollars per tank of over one thousand  
21 one hundred gallons capacity. ~~Twenty-three percent~~  
22 ~~of the~~ The fees collected shall be deposited in the  
23 storage tank management account of the groundwater  
24 protection fund. Seventy-seven percent of the fees  
25 collected shall be deposited in the Iowa comprehensive  
26 petroleum underground storage tank fund created in  
27 chapter 455G.

28 Sec. 8. Section 455E.11, subsection 2, paragraph d,  
29 Code Supplement 2009, is amended to read as follows:

30 d. A storage tank management account. All fees  
31 collected pursuant to section 455B.473, subsection 5,  
32 and section 455B.479, shall be deposited in the storage  
33 tank management account, ~~except those moneys deposited~~  
34 ~~into the Iowa comprehensive petroleum underground~~  
35 ~~storage tank fund pursuant to section 455B.479. Funds.~~  
36 Moneys deposited in the account shall be expended for  
37 the following purposes:

38 (1) One thousand dollars is appropriated annually  
39 to the Iowa department of public health to carry out  
40 departmental duties under section 135.11, subsections  
41 19 and 20, and section 139A.21.

42 (2) ~~Twenty-three percent of the proceeds of the~~  
43 ~~fees imposed pursuant to section 455B.473, subsection~~  
44 ~~5, and section 455B.479 shall be deposited in the~~  
45 ~~account annually, up to a maximum of three hundred~~  
46 ~~fifty thousand dollars. If twenty-three percent of the~~  
47 ~~proceeds exceeds three hundred fifty thousand dollars,~~  
48 ~~the excess shall be deposited into the fund created in~~  
49 ~~section 455G.3. Three hundred fifty thousand dollars~~  
50 is The moneys remaining in the account after the

1 appropriation in subparagraph (1) are appropriated from  
2 the storage tank management account to the department  
3 of natural resources for the administration of a state  
4 storage tank program pursuant to chapter 455B, division  
5 IV, part 8, and for programs which reduce the potential  
6 for harm to the environment and the public health from  
7 storage tanks.

8 ~~(3) The remaining funds in the account are~~  
9 ~~appropriated annually to the Iowa comprehensive~~  
10 ~~petroleum underground storage tank fund. Each fiscal~~  
11 ~~year, the department of natural resources shall enter~~  
12 ~~into an agreement with the Iowa comprehensive petroleum~~  
13 ~~underground storage tank fund for the completion~~  
14 ~~of administrative tasks during the fiscal year~~  
15 ~~directly related to the evaluation and modification~~  
16 ~~of risk based corrective action rules as necessary~~  
17 ~~and processes that affect the administration in~~  
18 ~~subparagraph (2).~~

19 Sec. 9. Section 455G.3, Code 2009, is amended by  
20 adding the following new subsections:

21 NEW SUBSECTION. 6. For the fiscal year beginning  
22 July 1, 2010, and each fiscal year thereafter, there  
23 is appropriated from the Iowa comprehensive petroleum  
24 underground storage tank fund to the department of  
25 natural resources two hundred thousand dollars for  
26 purposes of technical review support to be conducted  
27 by nongovernmental entities for leaking underground  
28 storage tank assessments.

29 NEW SUBSECTION. 7. For the fiscal year beginning  
30 July 1, 2010, there is appropriated from the Iowa  
31 comprehensive petroleum underground storage tank fund  
32 to the department of natural resources one hundred  
33 thousand dollars for purposes of database modifications  
34 necessary to accept batched external data regarding  
35 underground storage tank inspections conducted by  
36 nongovernmental entities.

37 NEW SUBSECTION. 8. For the fiscal year beginning  
38 July 1, 2010, and each fiscal year thereafter, there  
39 is appropriated from the Iowa comprehensive petroleum  
40 underground storage tank fund to the department of  
41 agriculture and land stewardship two hundred fifty  
42 thousand dollars for the sole and exclusive purpose  
43 of inspecting fuel quality at pipeline terminals  
44 and renewable fuel production facilities, including  
45 salaries, support, maintenance, and miscellaneous  
46 purposes.

47 NEW SUBSECTION. 9. Beginning September 1, 2010,  
48 the board shall administer safety training, hazardous  
49 material training, environmental training, and  
50 underground storage tank operator training in the

1 state to be provided by an entity approved by the  
2 department of natural resources. The training provided  
3 pursuant to this subsection shall be available to any  
4 tank operator in the state at an equal and reasonable  
5 cost and shall not be conditioned upon any other  
6 requirements. Each fiscal year, the board shall not  
7 expend more than two hundred fifty thousand dollars  
8 from the Iowa comprehensive petroleum underground  
9 storage tank fund for purposes of administering this  
10 subsection.

11 Sec. 10. Section 455G.4, subsection 1, paragraph a,  
12 subparagraphs (3) and (5), Code Supplement 2009, are  
13 amended to read as follows:

14 (3) ~~The commissioner of insurance, or the~~  
15 ~~commissioner's designee. An employee of the department~~  
16 ~~of management who has been designated as a risk manager~~  
17 ~~by the director of the department of management.~~

18 (5) Two owners or operators appointed by the  
19 governor. ~~One of the owners or operators appointed~~  
20 ~~pursuant to this subparagraph shall have been a~~  
21 ~~petroleum systems insured through the underground~~  
22 ~~storage tank insurance fund as it existed on June 30,~~  
23 ~~2004, or a successor to the underground storage tank~~  
24 ~~insurance fund and shall have been an insured through~~  
25 ~~the insurance account of the comprehensive petroleum~~  
26 ~~underground storage tank fund on or before October~~  
27 ~~26, 1990. One of the owners or operators appointed~~  
28 ~~pursuant to this subparagraph shall be self-insured. as~~  
29 ~~follows:~~

30 (a) One member shall be an owner or operator who is  
31 self-insured.

32 (b) One member shall be a member of the petroleum  
33 marketers and convenience stores of Iowa or its  
34 designee.

35 Sec. 11. Section 455G.8, subsection 3, Code 2009,  
36 is amended by striking the subsection.

37 Sec. 12. Section 455G.9, subsection 1, paragraphs  
38 d, k, and l, Code 2009, are amended to read as follows:

39 d. One hundred percent of the costs of corrective  
40 action and third-party liability for a release situated  
41 on property acquired by a county for delinquent taxes  
42 pursuant to chapters 445 through 448, for which a  
43 responsible owner or operator able to pay, other  
44 than the county, cannot be found. A county is not  
45 a "*responsible party*" for a release in connection  
46 with property which it acquires in connection with  
47 delinquent taxes, and does not become a responsible  
48 party by sale or transfer of property so acquired. In  
49 such situations, the board may act as an agent for  
50 the county. Actual corrective action on the site

1 shall be overseen by the department, the board, and  
2 a certified groundwater professional. Third-party  
3 liability specifically excludes any claim, cause of  
4 action, or suit, for personal injury including, but  
5 not limited to, loss of use or of private enjoyment,  
6 mental anguish, false imprisonment, wrongful entry or  
7 eviction, humiliation, discrimination, or malicious  
8 prosecution. Reasonable acquisition costs do not  
9 include any taxes or costs related to the collection  
10 of taxes.

11 k. Pursuant to an agreement between the board and  
12 the department of natural resources, assessment and  
13 corrective action arising out of releases at sites for  
14 which a no further action certificate has been issued  
15 pursuant to section 455B.474, when the department  
16 determines that an unreasonable risk to public health  
17 and safety may still exist or that previously reported  
18 upon applicable target levels have been exceeded. At  
19 a minimum, the agreement shall address eligible costs,  
20 contracting for services, and conditions under which  
21 sites may be reevaluated.

22 l. ~~Costs~~ Up to fifteen thousand dollars for the  
23 permanent closure of an underground storage tank  
24 system that was in place on the date an eligible claim  
25 was submitted under paragraph "a" that does not meet  
26 performance standards for new or upgraded tanks or  
27 is otherwise required to be closed pursuant to rules  
28 adopted by the environmental protection commission  
29 pursuant to section 455B.474. Reimbursement is limited  
30 to costs approved by the board prior to the closure  
31 activities.

32 Sec. 13. Section 455G.9, subsection 4, Code 2009,  
33 is amended to read as follows:

34 4. *Minimum copayment schedule.*

35 a. An owner or operator shall be required to pay  
36 the greater of five thousand dollars or eighteen  
37 percent of the first eighty thousand dollars of the  
38 total costs of corrective action for that release,  
39 except for claims pursuant to section 455G.21, where  
40 the claimant is not a responsible party or potentially  
41 responsible party for the site for which the claim is  
42 filed.

43 b. If a site's actual expenses exceed eighty  
44 thousand dollars, the remedial account shall pay the  
45 remainder, as required by federal regulations, of  
46 the total costs of the corrective action for that  
47 release, not to exceed one million dollars, except that  
48 a county shall not be required to pay a copayment in  
49 connection with a release situated on property acquired  
50 in connection with delinquent taxes, as provided in

1 subsection 1, paragraph "d", unless subsequent to  
2 acquisition the county actively operates a tank on the  
3 property for purposes other than risk assessment, risk  
4 management, or tank closure.

5 Sec. 14. Section 455G.9, subsection 7, Code 2009,  
6 is amended to read as follows:

7 7. *Expenses of cleanup not required.* When an  
8 owner or operator who is eligible for benefits under  
9 this chapter is allowed by the department of natural  
10 resources to monitor in place, the expenses incurred  
11 for cleanup beyond the level required by the department  
12 of natural resources ~~are not~~ may be covered under any  
13 of the accounts established under the fund only if  
14 approved by the board as cost-effective relative to  
15 the department accepted monitoring plan or relative  
16 to the repeal date specified in section 424.19. The  
17 cleanup expenses incurred for work completed beyond  
18 what is required is the responsibility of the person  
19 contracting for the excess cleanup. The board shall  
20 seek to terminate the responsible party's environmental  
21 liabilities at such sites prior to the board ceasing  
22 operation.

23 Sec. 15. Section 455G.9, subsection 10, Code 2009,  
24 is amended to read as follows:

25 10. *Expenses incurred by governmental subdivisions*  
26 *and public works utilities.* The board ~~may~~ shall adopt  
27 rules for reimbursement for reasonable expenses  
28 incurred by a governmental subdivision or public  
29 works utility for sampling, treating, handling,  
30 or disposing, as required by the department, of  
31 petroleum-contaminated soil and groundwater encountered  
32 in a public right-of-way during installation,  
33 maintenance, or repair of a utility or public  
34 improvement. The board may seek full recovery from  
35 a responsible party liable for the release for such  
36 expenses and for all other costs and reasonable  
37 attorney fees and costs of litigation for which moneys  
38 are expended by the fund. Any expense described in  
39 this subsection incurred by the fund constitutes a lien  
40 upon the property from which the release occurred.  
41 A lien shall be recorded and an expense shall be  
42 collected in the same manner as provided in section  
43 424.11.

44 Sec. 16. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
45 APPLICABILITY. The section of this division of this  
46 Act amending section 455G.9, subsection 4, being deemed  
47 of immediate importance, takes effect upon enactment  
48 and applies retroactively to January 1, 2010.

49 DIVISION II  
50 BONDING AUTHORITY



1     Sec. 17. Section 455G.2, subsection 1, Code 2009,  
2 is amended by striking the subsection.  
3     Sec. 18. Section 455G.2, subsection 3, Code 2009,  
4 is amended to read as follows:  
5     3. "*Bond*" means a bond, note, or other obligation  
6 issued by the authority treasurer of state for the fund  
7 and the purposes of this chapter.  
8     Sec. 19. Section 455G.3, subsection 2, Code 2009,  
9 is amended to read as follows:  
10    2. The board shall assist Iowa's owners and  
11 operators of petroleum underground storage tanks in  
12 complying with federal environmental protection agency  
13 technical and financial responsibility regulations  
14 by establishment of the Iowa comprehensive petroleum  
15 underground storage tank fund. The authority treasurer  
16 of state may issue its bonds, or series of bonds, to  
17 assist the board, as provided in this chapter.  
18    Sec. 20. Section 455G.6, subsections 7 through 9,  
19 Code Supplement 2009, are amended to read as follows:  
20    7. The board may contract with the  
21 authority treasurer of state for the  
22 authority treasurer of state to issue bonds and do  
23 all things necessary with respect to the purposes  
24 of the fund, as set out in the contract between the  
25 board and the authority treasurer of state. The  
26 board may delegate to the authority treasurer of  
27 state and the authority treasurer of state shall  
28 then have all of the powers of the board which are  
29 necessary to issue and secure bonds and carry out the  
30 purposes of the fund, to the extent provided in the  
31 contract between the board and the authority treasurer  
32 of state. The authority treasurer of state may  
33 issue the authority's treasurer of state's bonds  
34 in principal amounts which, in the opinion of the  
35 board, are necessary to provide sufficient funds for  
36 the fund, the payment of interest on the bonds, the  
37 establishment of reserves to secure the bonds, the  
38 costs of issuance of the bonds, other expenditures  
39 of the authority treasurer of state incident to and  
40 necessary or convenient to carry out the bond issue  
41 for the fund, and all other expenditures of the board  
42 necessary or convenient to administer the fund.  
43 The bonds are investment securities and negotiable  
44 instruments within the meaning of and for purposes of  
45 the uniform commercial code, chapter 554.  
46    8. Bonds issued under this section are payable  
47 solely and only out of the moneys, assets, or revenues  
48 of the fund, all of which may be deposited with  
49 trustees or depositories in accordance with bond  
50 or security documents and pledged by the board to

1 the payment thereof, and are not an indebtedness  
2 of this state ~~or the authority~~, or a charge against  
3 the general credit or general fund of the state ~~or~~  
4 ~~the authority~~, and the state shall not be liable for  
5 any financial undertakings with respect to the fund.  
6 Bonds issued under this chapter shall contain on their  
7 face a statement that the bonds do not constitute an  
8 indebtedness of the state ~~or the authority~~.

9 9. The proceeds of bonds issued by the  
10 authority treasurer of state and not required for  
11 immediate disbursement may be deposited with a trustee  
12 or depository as provided in the bond documents  
13 and invested in any investment approved by the  
14 authority treasurer of state and specified in the trust  
15 indenture, resolution, or other instrument pursuant  
16 to which the bonds are issued without regard to any  
17 limitation otherwise provided by law.

18 Sec. 21. Section 455G.6, subsection 10, paragraph  
19 b, Code Supplement 2009, is amended to read as follows:

20 b. Negotiable instruments under the laws of  
21 the state and may be sold at prices, at public or  
22 private sale, and in a manner, as prescribed by the  
23 authority treasurer of state. Chapters 73A, 74, 74A  
24 and 75 do not apply to their sale or issuance of the  
25 bonds.

26 Sec. 22. Section 455G.6, subsection 12, Code  
27 Supplement 2009, is amended to read as follows:

28 12. Bonds must be authorized by a trust  
29 indenture, resolution, or other instrument of the  
30 authority treasurer of state, approved by the board.  
31 However, a trust indenture, resolution, or other  
32 instrument authorizing the issuance of bonds may  
33 delegate to an officer of the issuer the power to  
34 negotiate and fix the details of an issue of bonds.

35 Sec. 23. Section 455G.7, Code Supplement 2009, is  
36 amended to read as follows:

37 **455G.7 Security for bonds — capital reserve fund —**  
38 **irrevocable contracts.**

39 1. a. For the purpose of securing one or more  
40 issues of bonds for the fund, the authority treasurer  
41 of state, with the approval of the board, may authorize  
42 the establishment of one or more special funds, called  
43 "*capital reserve funds*". The authority treasurer  
44 of state may pay into the capital reserve funds the  
45 proceeds of the sale of its bonds and other money  
46 which may be made available to the authority treasurer  
47 of state from other sources for the purposes of the  
48 capital reserve funds. Except as provided in this  
49 section, money in a capital reserve fund shall be used  
50 only as required for any of the following:

1     ~~a.~~ (1) The payment of the principal of and  
2 interest on bonds or of the sinking fund payments with  
3 respect to those bonds.  
4     ~~b.~~ (2) The purchase or redemption of the bonds.  
5     ~~c.~~ (3) The payment of a redemption premium  
6 required to be paid when the bonds are redeemed before  
7 maturity.  
8     ~~b.~~ However, money in a capital reserve fund shall  
9 not be withdrawn if the withdrawal would reduce the  
10 amount in the capital reserve fund to less than the  
11 capital reserve fund requirement, except for the  
12 purpose of making payment, when due, of principal,  
13 interest, redemption premiums on the bonds, and making  
14 sinking fund payments when other money pledged to the  
15 payment of the bonds is not available for the payments.  
16 Income or interest earned by, or increment to, a  
17 capital reserve fund from the investment of all or part  
18 of the capital reserve fund may be transferred by the  
19 authority treasurer of state to other accounts of the  
20 fund if the transfer does not reduce the amount of the  
21 capital reserve fund below the capital reserve fund  
22 requirement.  
23     2. If the authority treasurer of state decides  
24 to issue bonds secured by a capital reserve fund,  
25 the bonds shall not be issued if the amount in the  
26 capital reserve fund is less than the capital reserve  
27 fund requirement, unless at the time of issuance of  
28 the bonds the authority treasurer of state deposits  
29 in the capital reserve fund from the proceeds of the  
30 bonds to be issued or from other sources, an amount  
31 which, together with the amount then in the capital  
32 reserve fund, is not less than the capital reserve fund  
33 requirement.  
34     3. In computing the amount of a capital reserve  
35 fund for the purpose of this section, securities in  
36 which all or a portion of the capital reserve fund  
37 is invested shall be valued by a reasonable method  
38 established by the authority treasurer of state.  
39 Valuation shall include the amount of interest earned  
40 or accrued as of the date of valuation.  
41     4. In this section, "*capital reserve fund*  
42 *requirement*" means the amount required to be on  
43 deposit in the capital reserve fund as of the date of  
44 computation.  
45     5. To assure maintenance of the capital reserve  
46 funds, the authority treasurer of state shall, on  
47 or before July 1 of each calendar year, make and  
48 deliver to the governor the authority's treasurer of  
49 state's certificate stating the sum, if any, required  
50 to restore each capital reserve fund to the capital

1 reserve fund requirement for that fund. Within  
2 thirty days after the beginning of the session of the  
3 general assembly next following the delivery of the  
4 certificate, the governor may submit to both houses  
5 printed copies of a budget including the sum, if any,  
6 required to restore each capital reserve fund to the  
7 capital reserve fund requirement for that fund. Any  
8 sums appropriated by the general assembly and paid  
9 to the authority treasurer of state pursuant to this  
10 section shall be deposited in the applicable capital  
11 reserve fund.

12 6. All amounts paid by the state pursuant to this  
13 section shall be considered advances by the state and,  
14 subject to the rights of the holders of any bonds of  
15 the authority treasurer of state that have previously  
16 been issued or will be issued, shall be repaid to the  
17 state without interest from all available revenues of  
18 the fund in excess of amounts required for the payment  
19 of bonds of the authority treasurer of state, the  
20 capital reserve fund, and operating expenses.

21 7. If any amount deposited in a capital reserve  
22 fund is withdrawn for payment of principal, premium,  
23 or interest on the bonds or sinking fund payments with  
24 respect to bonds thus reducing the amount of that fund  
25 to less than the capital reserve fund requirement, the  
26 authority treasurer of state shall immediately notify  
27 the governor and the general assembly of this event and  
28 shall take steps to restore the capital reserve fund  
29 to the capital reserve fund requirement for that fund  
30 from any amounts designated as being available for such  
31 purpose.

32 Sec. 24. Section 455G.8, subsection 2, Code 2009,  
33 is amended to read as follows:

34 2. *Statutory allocations fund.* The moneys  
35 credited from the statutory allocations fund under  
36 section 321.145, subsection 2, paragraph "a", shall  
37 be allocated, consistent with this chapter, among  
38 the fund's accounts, for debt service and other fund  
39 expenses, according to the fund budget, resolution,  
40 trust agreement, or other instrument prepared or  
41 entered into by the board or authority treasurer of  
42 state under direction of the board.

43 Sec. 25. REPEAL. Section 16.151, Code 2009, is  
44 repealed.

45 Sec. 26. REPEAL. 1989 Iowa Acts, chapter 131,  
46 section 63, as amended by 2009 Iowa Acts, chapter 184,  
47 section 39, is repealed.

48 Sec. 27. EFFECTIVE UPON ENACTMENT. This division  
49 of this Act, being deemed of immediate importance,  
50 takes effect upon enactment.>

1       2. Title page, line 2, after <fund> by inserting  
2 <and including effective date and retroactive  
3 applicability provisions>  
4       3. By renumbering as necessary.

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